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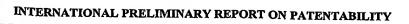
## **PCT**

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference 02P01123WO	FOR FURTHER AC	CTION	See Form PCT/IPEA/416		
International application No. PCT/EP2003/011494	International filing date 16 October 200		Priority date (day/month/year)  22 October 2002 (22.10.2002)		
International Patent Classification (IPC) or n F04B 39/12	<u> </u>				
Applicant BSH BOS	SCH UND SIEME	NS HAUSGERÄT	ТЕ GMBH		
This report is the international prelin     Authority under Article 35 and trans	minary examination reposition reposition to the applicant a	ort, established by this according to Article 3	s International Preliminary Examining 6.		
2. This REPORT consists of a total of			sheet.		
3. This report is also accompanied by A	ANNEXES, comprising	:			
a. (sent to the applicant and	l to the International Bu	reau) a total of	sheets, as follows:		
sheets of the desc and/or sheets con Administrative In	taining rectifications au	rawings which have b thorized by this Autho	een amended and are the basis of this report ority (see Rule 70.16 and Section 607 of the		
sheets which supplemental Bo	sure in the internationa	t which this Authorit l application as filed,	y considers contain an amendment that goes as indicated in item 4 of Box No. I and the		
	, containdicated in the Supplen	ning a sequence listir	ype and number of electronic carrier(s)) ng and/or tables related thereto, in computer o Sequence Listing (see Section 802 of the		
4. This report contains indications rela	ating to the following ite	ms:			
Box No. I Basis of the re	eport				
Box No. II Priority					
Box No. III Non-establish	ment of opinion with re	gard to novelty, inven	tive step and industrial applicability		
Box No. IV Lack of unity	of invention				
Box No. V Reasoned stat	Box No. V  Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement				
Box No. VI Certain documents cited					
Box No. VII Certain defects in the international application					
Box No. VIII Certain observations on the international application					
Date of submission of the demand		Date of completion	of this report		
19 May 2004 (19.05.2	2004)		ebruary 2005 (03.02.2005)		
Name and mailing address of the IPEA/EP		Authorized officer			
Facsimile No.		Telephone No.			

Form PCT/IPEA/409 (cover sheet) (January 2004)



International application No.
PCT/EP2003/011494

Box No	· 1	Basis of the report					
1. With other	regard wise in	to the language, this report is based on the international application in the landicated under this item.	nguage in which it was filed, unless				
	This which	report is based on translations from the original language into the following the same of a translation furnished for the purpose of:	ng language,				
		international search (under Rules 12.3 and 23.1(b))					
		publication of the international application (under Rule 12.4)					
		international preliminary examination (under Rules 55.2 and/or 55.3)					
Jui 1111	re not	I to the elements of the international application, this report is based on the receiving Office in response to an invitation under Article 14 are referrannexed to this report):  nternational application as originally filed/furnished	(replacement sheets which have been red to in this report as "originally filed"				
$\boxtimes$		escription:					
	pages		, as originally filed/furnished				
	pages	* received by this Authority on	, as originary modifications and				
	pages						
$\square$	the cl	aims:					
	pages	1-10	as ariginally filed/formished				
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	pages		, as originally filed/furnished				
	pages						
	a sequ	nence listing and/or any related table(s) - see Supplemental Box Relating to So	equence Listing.				
3	_	mendments have resulted in the cancellation of:					
		the description, pages					
	Ш	the claims, Nos.					
		the drawings, sheets/figs					
		the sequence listing (specify):					
		any table(s) related to sequence listing (specify):					
4.	(Rule	eport has been established as if (some of) the amendments annexed to this since they have been considered to go beyond the disclosure as filed, as 70.2(c)).  the description, pages	report and listed below had not been indicated in the Supplemental Box				
* If item	* If item 4 applies, some or all of those sheets may be marked "superseded."						

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International application No.
PCT/EP 03/11494

Reasoned statement under Article 3: citations and explanations supporting	5(2) with regard to novelty, ag such statement	inventive step or industrial appl	icability;
Statement			
Novelty (N)	Claims		YES
	Claims	1-10	NO
Inventive step (IS)	Claims		YES
	Claims	1-10	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

- 2. Citations and explanations
  - 1. Reference is made to the following document:

D1: US-B-6 398 5231 (HUR KYUNG BUM ET AL) 4 June 2002 (2002-06-04).

- The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel (PCT Article 33(3)).
- 2.1 Document D1 is considered the prior art closest to the subject matter of claim 1 (see in particular figure 7). It discloses a linear compressor unit having a magnet which can be moved back and forth in an electromagnetic alternating field, a piston which is driven by the magnet and able to move inside a cylinder, and a capsule which encloses the cylinder and a buffer volume, wherein the cylinder is disposed in the capsule in an oscillating manner, an inlet opening of the cylinder and an inlet passage in the capsule are situated opposite each other in a non-contacting manner such that a passage to the buffer volume is formed, and a restriction element (gap between 1 and 190) is disposed in the passage.

Form PCT/IPEA/409 (Box V) (January 1994)

## INTERNATIONAL PREAMINARY EXAMINATION REPORT

- 3. The embodiment shown in figure 8 also discloses all the inventive features of claim 1, in this case the cylinder being fixed in place in the capsule and the connection between the inlet opening of the cylinder and the inlet passage in the capsule passing through the piston with the integrated buffer volume, and an annular restriction gap extending between part 200 and part 250.
- 3.1 Consequently, the subject matter of claim 1 does not involve an inventive step within the meaning of PCT Article 33(3) because a person skilled in the art knows that a fixed arrangement of a cylinder is equivalent to an oscillating one (see in particular the two embodiments in figures 7 and 8).
- 4. Dependent claims 2-10 contain no features which, combined with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step.